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37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

January 10, 2005

Date

Shelley P.M. Fussey

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lonnie D. Shea, Jeffrey Bonadio  
Martin C. Peters and David J. Mooney

Serial No.: 09/442,542

Filed: November 18, 1999

For: SUSTAINED DNA DELIVERY FROM  
STRUCTURAL MATRICES

Group Art Unit: 1636

Examiner: Kaushal, S.

Atty. Dkt. No.: 4100.002000

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed July 09, 2004, finally rejecting claims 1-12, 19-47, 49-53, 66-68, and 102-117, objecting to claim 13 and allowing claims 14-18, 48, 54-65 and 118-130.

The fee for filing this Notice of Appeal is \$250 and is included in the check attached hereto.

A request for an incremental two month extension of time to respond is included herewith, along with a check in the amount of \$705.00 which includes the process fee (\$455.00) for an incremental two month extension of time. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Director is authorized to deduct or credit said fees from or to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4100.002000.

Respectfully submitted,

Williams, Morgan & Amerson, P.C.  
Customer No. 23720



Shelley P.M. Fussey, Ph.D.  
Reg. No. 39,458  
Agent for Applicants

10333 Richmond, Suite 1100  
Houston, Texas 77042  
(713) 934-7000

Date: January 10, 2005